

Maryland Board of Pharmacy

DRAFT - Public Minutes - June 1, 1999

President Stanton Ades called the public meeting to order at 8:40 A.M.

In attendance were President Stanton Ades, Commissioners: W. Irving Lottier, Wayne Dyke, Donald Yee, Ramona McCarthy Hawkins, Laura Schneider, Jeanne Gilligan Furman, Raymond Love, Barbara Faltz Jackson and Rev. William Johnson; Board Counsel, Paul Ballard; Board Staff, Executive Director, Norene Pease, Dotti Levi, Pamm Wiggin and Wendy Wilson.

Commissioners absent were: David Russo and Mel Rubin

Guests present: Pharmacists Howard Schiff, Cathy Putz, James Rothschild, Tom Hodgkins, Brian Gallagher, Mike Johansen, Mike Nicholson, Lieser Mayo-Michelson, Nathan Gruz, Vicki Graher, Thomas Gargiulo and John Newton.

Recusals -

President Ades requested that any member of the Board with a conflict of interest relating to an item on the agenda should notify the Board at this time.

There were no conflicts reported.

Approval of Minutes -

A motion was made by Ramona McCarthy Hawkins to approve the April 21, 1999 minutes with corrections as follows:

Page six (6), paragraph three (3), last line, change unauthorized to authorized. The motion was seconded by Ms. Jackson and approved as amended by the full Board.

Executive Director - Board Counsel Report(s)

Ms. Pease reported that the Executive Committee of the Board met with representatives from the University of Maryland, School of Pharmacy and discussed the following topics: the future schedule for administering licensing examinations given that both the State law and pharmacy competency examinations are to be given continuously, and briefing topics for the new Secretary of the Department of Mental Health and Hygiene, (DHMH).

Ms. Pease reported that there is a new Secretary of the Department, Dr. Georges C. Benjamin who has already met jointly with representatives from the health occupations boards. Ms. Pease stated that one issue the Board would like to discuss with the Secretary is the Maryland Formulary which has not been reviewed by a panel of experts for over a decade. The Board would like a opportunity to talk with the new Secretary to bring him up to date on the history of the Maryland Formulary and to recommend the establishment of an advisory panel to review

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previous recommendations and determine if change is needed. Ms. Pease also stated that the health occupation boards have been reorganized and now report directly to Dr. Benjamin.

Recruitment for PCO, 50% Pharmacist and Legislative Officer - Ms. Pease welcomes Dotti Levi, former Commissioner, who has agreed to help the Board out part-time with the Compliance portion of the Board until the Board can fill the PCO, and the 50% vacant pharmacist position. Ms. Pease stated that there are currently nine (9) candidates for the Compliance Officer position. Ms. Pease and Mr. Gordon with the Social Work Board are interviewing candidates for the Legislative Officer position during the week of June 1, 1999. The list of candidates applying for the Pharmacist Compliance Officer position will be completed by June 4, 1999. Jeanne Furman and Melvin Rubin have volunteered to assist Ms. Pease with initial interviews during the week of June 7-11, 1999.

Reclassification Request for Administrators/Executive Directors Boards and the Commission - Ms. Pease is on the Personnel Committee of the Boards and the Commission. The Committee is attempting to reclassify Board Administrators and Executive Directors. A survey of board functions has been developed, approved by the Personnel Services Administration, mailed to Mid-Atlantic States and responses are being compiled for review by the Department .

Guest Presenter - None

Board Counsel's Report - None

Committee Reports -

Licensing Committee - Wayne Dyke

Wayne Dyke reported that there were 10 candidates for the reciprocity meeting held on May 18, 1999. These candidates are as follows: Daniel Ashby, Toyia Brown, Ray Courtney, Sharwanda George, Susan Karpis, Cyrille Kimon, Chi T. Nguyen, Kourosh Parsazad, Andrew Powderly and Kiran Salker. Daniel Ashby, Cyrille Kimon and Kourosh Parsazad are awaiting results of the Oral English Competency Test. Mr. Dyke moved that all reciprocity candidates be approved. The motion was seconded by Barbara Faltz-Jackson, with a unanimous approval from the Board.

Mr. Dyke stated that he would like either Commissioner Furman or Yee to be present to assist with the grading of the wet laboratory examination question on intravenous (I.V.) preparation. Commissioners were asked to volunteer to proctor the laboratory examinations on June 22 and 23, 1999.

Regulation Update -

Pamm Wiggin, Legislative Officer, reported on the status of various regulations.

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Both the Pharmacist Code of Conduct and the regulations pertaining to electronic transmission of prescriptions, have been published in the Maryland Register. Comments have been received and written responses have been mailed. Representatives from NACDS were present and discussed their proposed changes to the electronic transmission regulations and submitted a letter with comments on both the Electronic Transmission and the Code of Conduct regulations to the Board for consideration. The Code of Conduct regulations are in the Office of the Secretary for signature. The additional written and oral comments on these regulations will be reviewed and considered by the Pharmacy Practice Committee on June 2, 1999.

Regulations governing the use of portable drug kits by hospice and home health nurses have been reviewed by DHMH and are due to be published in the Maryland Register on June 18, 1999.

Pharmacy security regulations have been reviewed by DHMH and publication in the Maryland Register is expected on June 2, 1999. These regulations have been distributed to a number of the major pharmaceutical associations and they are not expected to elicit extensive comments.

Ms. Wiggin discussed the revised pharmacist reinstatement regulations with the Board and there were no recommended additional changes. Ms. Wiggin advised the Board that the reason for the revision was to make provision for expired pharmacists' licenses that were less than two years in duration. A motion was made by Ms. Furman and seconded by Ms. McCarthy Hawkins to accept the proposed revisions to the reinstatement regulation. The motion was unanimously adopted by the Board.

Ms. Wiggin discussed the proposed regulations formulating a Code of Conduct for Board members and investigators that have been under development by the health occupations Boards and the Commission since last November 1998. The Code of Conduct will be uniform for all of the Boards and will be codified under chapter 10 subtitle 31. A motion was made by Ms. Faltz Jackson and seconded by Dr. Love to adopt the regulations on Code of Conduct for Board members. The motion was unanimously adopted by the Board.

Ms. Wiggin distributed the proposed regulations on the Rules of Procedure for Board Hearings developed by the Boards and the Office of the Attorney General. Board members will review these regulations and vote on their acceptance for publication in the Maryland Register at the June 16, 1999 Board meeting.

Ms. Wiggin presented proposed changes to the Board's Fee Regulations consistent with the changes in the Reinstatement Regulations. A motion was made by Ms. Faltz Jackson and seconded by Ms. McCarthy Hawkins to adopt the revised Fee Regulations and add the following to line E. "Payable in addition to the renewal fee." The motion was unanimously adopted by the Board.

PEAC (Pharmacists Education and Assistance Committee) Update -

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There was no PEAC Committee Report, however, Mr. Tommasello submitted a newsletter article on the purpose and benefits of PEAC for publication in the next issue.

Pharmacy Practice Committee - Dr. Raymond Love

Task Force on Pharmacy Support Staff - In the absence of Commissioner Mel Rubin, Chair of the Task Force on Pharmacy Support Personnel, Ms Wiggins reported that the Task Force will hold its next meeting on June 3, 1999 and review a draft of proposed regulations.

Task Force on Automation - Commissioner Furman reported on the work of the Task Force to date. The major types of automation in drug storage and distribution have been reviewed and the members are drafting regulations, using the NABP guidelines as a basis. The Task Force is meeting two times per month and intends to issue a report including recommendations to the Board in the Fall.

Practice Committee - The Practice Committee including Dr. Love and Ms. Schneider volunteered to liaise with the Board of Physician Quality Assurance (BPQA) on the topic of Internet prescribing. Pharmacies are currently offering on-line prescription services and both issues could benefit from joint consideration by the Board of Pharmacy and BPQA.

Ms. Pease consulted with Michael Compton, Executive Director of BPQA, regarding a joint task force to address these issues. Mr. Compton informed Ms. Pease that BPQA is in the process of formulating such a Task Force and asked her to submit the names of pharmacist participants to him. Ms. Pease asked if the Practice Committee would prepare a statement on the Board's position with regard to on-line prescription services so that Board staff may respond to written and telephone inquiries about the establishment of such businesses/practices in Maryland.

Ms. Pease also requested that the Practice Committee prepare a response to consumers regarding how to plan for medication needs in the early months of the year 2000. Several national pharmacy organizations have written white papers on the issue which could be condensed into a newsletter article for the September issue.

Issues to be addressed should include problems associated with stock piling and a statement on how both consumers and pharmacists can interface with insurers on the issue. Jack Freedman was asked to share his understanding of DEA's recommendations on the subject at the June or July Board meeting.

Public Relations Committee - Ms. Pease reported that the Division of Contracts was continuing to review the media RFP and it was unlikely that the RFP would be issued and a vendor selected in time to utilize funding allocated in F.Y. 1999. She stated that because the funds were not spent in F.Y. 1999 it was possible that the Legislature could look to reduce or cut them in the future.

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The Board reviewed a draft copy of the 1999 Annual Report and made typographical corrections to it and advised staff to have it printed once the corrections were made.

The Board also reviewed the revised brochure "The Pharmacy Team and You" and requested that staff proceed to obtain bids on having it printed and then distributed using the same distribution channels as the Annual Report. A motion was made by Dr. Love and seconded by Laura Schneider to authorize the Public Relations Committee to approve the design for the cover of the Annual Report and the Pharmacy Personnel Brochure. The motion was unanimously adopted.

The Board advised Ms. Pease that they believe that a full time staff person is needed to act as a program administrator or manager for the Board's programs. These programs include: media and public relations communications, PEAC relations, and the pharmacy experience program. Ms. Pease stated that she would draft a job description and proposal to be reviewed by the Board for submission in the F.Y. 2000 budget.

The Board requested that a newsletter article discussing focus group feedback on the Pharmacy Support Personnel Brochure be written for the September newsletter in order to better educate pharmacists about the concerns and interests of consumers.

Disciplinary Committee Proposal on Responses to Complaints- A motion was made by Ms. Faltz Jackson and seconded by Ms. Schneider to adopt the amended letter of response to complainants. The amended letter provides a clearer description of how complaints are handled to consumers and provides an acknowledgment of the receipt of the complaint. The motion was unanimously adopted.

Questions for the Board - Syringe and Needle Sale Question - Clarification has been requested from the Board and from the Division of Drug Control on the regulations on the Sale of Needles and Syringes or Other Paraphernalia, Health General §2-104 (b) Chapter 8. The request was made by the Community Relations Commission of the City of Baltimore. It has come to the attention of the Board that insulin syringe sales in inner city Baltimore neighborhoods may be handled differently than in suburban neighborhoods.

The regulation is clear and allows pharmacists to use their professional judgement regarding what is proper identification and indication of need for syringes. The regulation states, "The sale of needles and syringes or other paraphernalia shall be made by the pharmacist only in good faith to patients showing proper identification and indication of need. The record of sales shall be recorded in a registry to be established for this purpose which shall contain the purchaser's name and address, date of sale, item and quantity sold, and the signature of the pharmacist." The regulation allows the pharmacist to exercise professional judgement when determining indication of need. Paraphernalia registry books are reviewed by the Division of Drug Control when regular pharmacy inspections are conducted.

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Pharmacists practicing in Baltimore City are aware of the City Health Department's policy and practice to distribute clean syringes and needles in certain neighborhoods in an attempt to reduce the transmission of HIV and other diseases. There are numerous reasons why customers may request the purchase of syringes and needles. Pharmacists take many factors into consideration when making a determination of what constitutes the need for syringes and needles prior to dispensing them. Such factors may include: chronic illness, prevention of disease transmission, self administration of intravenous medication and other factors.

Pharmacists may want to document in the registry the reason why syringes were dispensed and why the pharmacist denied the request to dispense them. Pharmacists are responsible to monitor syringe sales. This monitoring is not done to limit access to needed medical supplies but, rather to ensure that a potentially dangerous item does not pose a hazard for small children or other vulnerable persons. Pharmacists probably would rather not deal with the responsibility for monitoring these items but understand the role they play in authorizing safe access to a medical item that has the potential to cause accidents and injury.

The Board in its discussion of this topic stated that pharmacies may develop store or chain guidelines on how to handle the dispensing of syringes to the public as long as the guidelines are no less restrictive than the current regulation. Perhaps this is a topic that should be discussed among pharmacists in every pharmacy in the State in order to ensure consistent, non-discriminatory handling of requests to purchase syringes and needles in pharmacies.

Review of Guidelines for Medication Administration in Schools - Jeanne Furman -

Jeanne Furman reported that on January 25, 1999 a letter was sent to the Board of Nursing from Ms. Vicki Taliaferro, RN, Health Service Specialist asking whether school nurses could delegate and supervise unlicensed person in packaging a child's single medication dose for a field trip. The Board of Nursing reiterated in a letter dated February 24, 1999, its position that (re)packaging of medication for students may only be assumed by an RN or LPN. In addition, the Board of Nursing referred the enquiry to the Board of Pharmacy. Ms. Furman advised Ms. Taliaferro that the Board of Pharmacy can not condone the delegation of dispensing and labeling student drugs to school personnel. Ms. Furman will draft a letter to the Board of Nursing stating that the position of the Pharmacy and Nursing Boards are inconsistent and that School Nurses are receiving a double message and no clarification on the proper way to proceed when preparing medications for students use when school is in session.

A motion was made at the April Board meeting by Dr. Love to have Ms. Furman to draft a letter to the Board of Nursing, advising the Board that their February 24, 1999 letter to the State Department of Education, violates current pharmacy laws and that medication utilized during field trips should be placed in a properly labeled vial. The motion was seconded by Ms. Jackson with a unanimous approval from the Board.

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A newsletter article on the subject was prepared for the June newsletter. The Board did not comment on any of the written informational material provided.

Meeting Adjourned at 10:30 a.m.

Respectfully Submitted,

W. Irving Lottier, Jr.
Secretary